

UNITED STATES DISTRICT COURT
Office of the Clerk
District of Oregon

**NOTICE TO COUNSEL REGARDING
ASSIGNMENT OF PRESIDING JUDICIAL OFFICER**

CASE NO: 04-CV-1503-HU

October 15, 2004

TITLE: Michael Kondash, et al vs. City of Gresham, et al

(a) This case has been assigned to the United States Magistrate Judge named below for administration pursuant to 28 U.S.C. Sec. 636(b)(1) and Fed. R. Civ. P. 72, including all pretrial nondispositive matters. Pursuant to 28 U.S.C. Sec. 636(c) and Fed. R. Civ. P. 73, all United States Magistrate Judges in this district are certified to exercise civil jurisdiction in assigned cases and, with the consent of the parties, may also enter final orders on dispositive motions, conduct trial, and enter final judgment which may be appealed directly to the Ninth Circuit Court of Appeals (instead of to a District Judge). If the parties do not consent, the case will be reassigned to a District Judge at a later time for trial and entry of final judgment.

We encourage the parties to consent to the jurisdiction of a U.S. Magistrate Judge over dispositive motions, trial, and entry of final judgment in this case by signing and filing a Consent to Jurisdiction by a United States Magistrate Judge, but there will be no adverse consequences for failure to file a Consent.

(b) The first two letters of the assigned judicial officer's last name must follow the case number on all future filings with the court.

Initials

Name of Assigned Judicial Officer

HU

Honorable Dennis J. Hubel, U.S. Magistrate Judge

(b) Questions relating to the status or scheduling of this case should be directed to the judge's courtroom deputy:

Kathleen Bartholomew (503) 326-8060 Kathleen_Bartholomew@ord.uscourts.gov

(c) Docket related questions should be directed to the following civil docket clerk:

Joei Lattz

(503) 326-8027

josephine_lattz@ord.uscourts.gov

or

Elizabeth Potter

(503) 326-8061

elizabeth_potter @ord.uscourts.gov

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

Michael Kondash, et al,

Plaintiff(s),

Civil No.04-CV-1503-HU

v.

City of Gresham, et al,

Discovery and Pretrial Scheduling Order

Defendant(s)

In order to facilitate and expedite discovery and the effective management of the instant action, the Court orders that:

(a) Corporate Disclosure Statement: In accordance with L.R. 83.16, any non-governmental corporate party must file a corporate disclosure statement concurrently with the filing of a first appearance.

(b) Initial Conference of Counsel for Discovery Planning: Except in cases exempted under Fed. R. Civ. P. 26(a)(1)(E), counsel for plaintiff(s), upon learning the identity of counsel for defendant(s), shall initiate communications with counsel for defendant(s). All counsel shall then confer as required by Fed. R. Civ. P. 26(f) within thirty (30) days after all defendants have been served (see Local Rule 26.1). In accordance with LR 16.2(b) and 16.4(c), counsel shall also discuss their client's positions regarding magistrate consent and Alternate Dispute Resolution options.

If counsel for all of the parties agree to forgo the initial disclosures required by Fed. R. Civ. P. 26(a)(1), they can use the Court form issued with this order (See Local Rule 26.2). Whether or not the parties agree to forgo the initial disclosures, they may seek discovery once the initial conference of counsel for discovery planning contemplated by Fed. R. Civ. P. 26(f) has occurred (See Local Rule 26.1).

(c) Rule 16(b) Court Conference for Scheduling and Planning: Counsel for plaintiff(s) and for defendant(s) shall, during or promptly after the conference of counsel referred to in the prior paragraph, contact the assigned judge's deputy clerk and schedule a LR 16.2 conference for scheduling and planning, and the assigned judge shall hold the conference within thirty (30) days.

At the conference, the parties shall be prepared to discuss any discovery, magistrate consent, scheduling or other issues presented by this action, including proposed modifications to the initial schedule set forth below (See LR 16.2).

(d) Pretrial and Discovery Deadlines: Not later than 120 days from the date of this Order¹, counsel for all parties shall:

- (1) File all pleadings [Fed. R. Civ. P. 7(a) and 15].
- (2) Join all claims, remedies and parties (Fed. R. Civ. P. 18 and 19).
- (3) File all pretrial, discovery and dispositive motions.
- (4) Complete all discovery
- (5) Confer as to Alternate Dispute Resolution (LR 16.4(c))

(e) Pretrial Order Deadline: Unless waived by order of the court, not later than 150 days from the date of this Order¹, counsel shall lodge a joint Pretrial Order and shall also file the Joint Alternate Dispute Resolution Report required by LR 16.4(d).

(f) Service of this Order: Counsel for the plaintiff shall serve this Order and attachments upon all other parties to the action.

(g) Electronic Filing: Pursuant to the protocols established in the Courts CM/ECF Procedural Order, Attorneys² may file and serve pleadings, subsequent to the complaint, electronically using the Court's Case Management/Electronic Case Filing (CM/ECF) system. The CM/ECF Procedural Order may be reviewed on the Court's Internet site at www.ord.uscourts.gov/ecf/ecfman/UserManualAttorneyExhibit01.pdf.

Dated: October 15, 2004 .

/s/ N. Munoz
N. Munoz, Deputy Clerk

¹ Counsel are directed to the court's CM/ECF electronic docket to determine the exact dates established in paragraphs (d) and (e) of this order (See ecf-ord.uscourts.gov)

² Electronic filing is limited to attorneys admitted to practice in the court and registered with the CM/ECF system (See LR 83.1, LR 83.2, LR 83.3).

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

Michael Kondash, et al

Plaintiff(s),

Case No. 04-CV-1503-HU

v.

City of Gresham, et al

Fed. R. Civ. P. 26(a)(1) Agreement

Defendant(s)

Pursuant to Local Rule 26.2³, I state that the parties who have been served and are not in default have agreed to forgo the disclosures required by Fed. R. Civ. P. 26(a)(1). The original of this Agreement will be filed with the Court, pursuant to Local Rule 26.2.

DATED this _____ day of _____, 20_____.

(Signature) _____

(Typed Name) _____ Bar ID No: _____

(Parties Represented) _____

(Firm Name) _____

(Mailing Address) _____

(Telephone Number) _____

cc: Counsel of Record

³ LR 26.2 as amended on December 1, 2000.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

Michael Kondash, et al,

Plaintiff(s),

Civil Case No: 04-CV-1503-HU

v.

City of Gresham, et al,

CONSENT TO JURISDICTION BY A
UNITED STATES MAGISTRATE JUDGE
AND DESIGNATION OF
NORMAL APPEAL ROUTE

Defendant(s)

Under Fed. R. Civ. P 73(b), I/we consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including entry of orders on dispositive motions, trial, and entry of final judgment. I/we understand that withholding consent will not result in any adverse consequences.

Under Fed. R. Civ. P. 73(c), I/we also understand that any appeal from a final order or judgment entered by a United States Magistrate Judge shall proceed directly to the Ninth Circuit Court of Appeals (and not to a District Judge).

DATED this _____ day of _____, 20_____.

(Signature) _____

(Typed Name) _____ Bar ID No: _____

(Parties Represented) _____

(Firm Name) _____

(Mailing Address) _____

(Telephone Number) _____

cc: **Counsel of Record**

US District Court – Oregon

Time Table

Local Rule	Description	# Days	Period Calculated From	Comment
LR 83.16	Corporate Disclosure Statement		Concurrent with party's first appearance	
LR 26.1	Initial Conference for Discovery Planning	30	Service of last defendant	Held between parties
LR 16.2	Rule 16(b) Conference	30	Initial Conference for Discovery Planning required by LR 26.1	Held before assigned Judge - LR 26.1
• LR 16.1(e) • LR 16.4(c)	• Initial Case Scheduling Order- Discovery Completion • ADR Conference	120	Filing of complaint	
• LR16.1(e) • LR16.4(d)	• Lodge Pretrial Order • File Joint Alternate Dispute Resolution Report	150	Filing of complaint	
LR 16.4(f)(1)(D)	Agree on Volunteer Mediator	10	Filing of Order directing case to mediation	If parties cannot agree, plaintiff's attorney must notify court who will designate mediator
LR 16.4(h)(1)	Notification of Court of results of ADR Settlement	7	Conclusion of private ADR	
LR 16.4(h)(2)	Notify Court if no settlement achieved		Concurrent notification at conclusion of mediation	